

DRAFT

**Minutes
Windsor Town Council Meeting
Town Hall
September 14, 2010**

The Windsor Town Council met in regular session on September 14, 2010 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Carita J. Richardson was present, and she called the meeting to order. She welcomed those who were present. She asked for anyone with cell phones to please turn them off. She asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. Michael Stallings, Town Manager, Interim Police Chief Reynolds, Dennis Carney, Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:

- J. Clinton Bryant
- N. Macon Edwards, III
- Patty Flemming
- Wesley F. Garris
- Durwood V. Scott
- Greg Willis

Mayor Richardson asked Councilman Willis to give the invocation and Pledge of Allegiance, and Councilman Willis did.

Public Hearing

None

Delegations, Public Comments, and Citizens Concerns

None

Consent Agenda

Mayor Richardson said the consent agenda includes the minutes of the August 10, 2010 Council meeting, the minutes of the August 23, 2010 Intergovernmental meeting, and the Treasurer's reports. She said there was one correction to the Intergovernmental minutes, which has been corrected and is before Council. Councilman Edwards said he would like to note one change needed to the August 10, 2010 minutes on page four. He said the word "hire" needs to be changed to "utilize". After discussion and questions, Councilwoman Flemming made a motion to approve the consent agenda with the mentioned changes. Vice Mayor Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Police Chief's Report

Interim Police Chief Reynolds handed out to Council a resolution regarding the Police Auxiliary Program for its consideration. He said the purpose of the resolution is to support the creation of the auxiliary program, and to be able to include as employees, any auxiliary officers, for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia.

Interim Police Chief Reynolds said he had received an email from the Chiefs of Police Association for Virginia which stated that one of the towns that received 599 Funds have opted out of this funding. He said this should increase the 599 Funds for Windsor back to the amount before the State cuts began. He said the increase should be approximately \$6,000 more for Windsor.

Interim Police Chief Reynolds said for the month of August there were a total of 139 calls and the report lists the types of calls in detail. He said there has been an increase in the number of patrol/business checks due to all the recent burglaries. He said there were a total of 114 traffic stops which resulted in 102 traffic summons and 11 warnings. He said there were one DUI arrest and two wanted persons arrested through traffic enforcement. Also included in the report is the number of current/ongoing investigations, arrests/warrants, and reports taken during the month.

Interim Chief Reynolds said in regards to the Auxiliary Police Program, he has completed the program policy manual. He briefed Council further on the purpose of the program. He said the two main purposes of the program are to aid with officer safety and to reduce department overtime. He said the guidelines for the Auxiliary Police officers are very clear. He said this program is mirrored from several other localities that have extraordinary Auxiliary Police Programs, such as Newport News, Norfolk, Portsmouth and Virginia Beach.

Mr. Stallings said the resolution before Council expresses the support for the program and has boiler plate language from VML which allows them to add the Auxiliary Officers to the workers compensation insurance. He said in the resolution it states that the Auxiliary officers will not be monetarily compensated. He said if Council does not have any problems with the resolution, he would recommend that Council adopt the resolution.

Councilman Willis asked that the resolution be read in its entirety, and Interim Chief Reynolds read the resolution to Council. After discussion, Vice Mayor Garris made a motion to adopt the resolution entitled *A Resolution Supporting the Creation of a Police Auxiliary Program and Authorizing the Members of Said Program to be Included as Employees for Workman's Compensation Purposes*. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Council's Discussion of Citizens' Concerns

Mayor Richardson said there were no citizens that came forward, but asked if there were any Council members that had citizens' concerns since the last Council meeting. Councilwoman Flemming said she had citizens asking for Town support regarding the smell from the sewer pump station on Duke Street, when this issue is addressed to Isle of Wight County officials.

Vice Mayor Garris said he had a citizen concern after the last Council meeting asking why Church Street had not been connected to the new water lines in that area. He said he has spoken to Mr. Stallings about this issue and he would like to know if Mr. Stallings has any information about this. Mr. Stallings said he is going to check with the maintenance supervisor, Mr. Sims, but Mr. Sims has been out sick. He said he will get with Mr. Sims within the next week.

Councilwoman Flemming said she has had several citizens ask about having sidewalks in their neighborhoods, such as the area by Farmers Bank and the area at Holland Meadows. Mayor Richardson said she has had citizens also asking, and she explained to them that Council would be working on a sidewalk plan for the Town at Council's next work session.

Councilman Edwards asked who is responsible for fixing the area of sidewalk that Verizon tore up when reconstructing the building after the fire. Mr. Stallings said if Verizon tore up the sidewalk, it is their responsibility to fix it. He said he would look into this with Verizon.

Vice Mayor Garris said there is a Town sidewalk policy for any citizens wishing to have sidewalks, where the Town pays a portion and the citizen pays a portion of the sidewalks. Mr. Stallings said he would research and review the policy and then forward a copy to Council.

Town Manager's Report

Moving of Funds

Mr. Stallings said at the August 10th Council meeting Council discussed the purchase of a Certificate of Deposit (CD) for the General Fund. He said he was asked to obtain more information on the CD, and to look at other funds for which a CD could be purchased.

Mr. Stallings said Ms. Hewett checked with both Farmers Bank and Citizens National Bank. He said both banks allow one "bump up" of the interest rate over the life of the 36 month CD with no cap. He said both banks have early withdrawal fees. He said for the first year of the CD, both banks charge a fee that is equal to one month's interest. He said after one year, Farmers Bank charges an early withdrawal fee equal to 90 days worth of interest, and Citizens

National Bank charges an early withdrawal fee equal to six month's worth of interest.

Mr. Stallings said he was also asked to determine how much money the Town had in each institution. He said as of the end of August, the total amount of money the Town has at Farmers Bank, including checking and CDs, is \$1,808,855.71. He said as of the end of August, the total amount of money at Citizens National Bank is \$130,310.02. He said the money at Citizens National Bank is only in the form of CDs.

Mr. Stallings said Ms. Hewett also researched the insurance proved by both institutions for these deposits. He said currently the FDIC insures all deposits up to \$250,000. He said State Law requires that public deposits be secured by two methods set forth in State Law. He said both institutions fall under this section of State Law, and therefore must secure any deposits above the FDIC insurance limit. He gave Council the current interest rates for CDs for both institutions for a 12 month CD, a 24 month CD and a 36 month CD.

After briefing Council on the balances of each fund, Mr. Stallings said he would recommend to Council to authorize and direct the Town Manager to purchase a 36 month \$300,000 certificate of deposit with Citizens National Bank for the General Fund, and purchase a 36 month \$170,000 certificate of deposit with Citizens National Bank for the Space Needs Fund.

After a brief discussion among Council, Councilman Scott made a motion to table this item until after closed session. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Town of Windsor/Sheriff's Department MOU

Mr. Stallings said at Council's September 9 work session, Council discussed the existing MOU with the Isle of Wight County Sheriff's Department. He said at the conclusion of the discussion, the general consensus was that we should notify the Sheriff's Department that we wish to terminate the existing MOU as of February 1, 2011, and that we wish to begin working on a new MOU between the Town of Windsor and the Isle of Wight County Sheriff's Department.

Mr. Stallings said he would recommend that Council adopt a motion directing the Town Manager to give notice to the Isle of Wight County Sheriff's Department notifying them that the Town of Windsor wishes to terminate the existing MOU as of February 1, 2011; and that the Town of Windsor wishes to begin working on a new MOU.

Councilman Willis made a motion to direct and authorize the Town Manager to give notice to the Isle of Wight County Sheriff's Department that the Town of

Windsor wishes to terminate the existing MOU between the Town of Windsor and the Isle of Wight County Sheriff's Department as of February 1, 2011; and that the Town of Windsor wishes to begin working on a new MOU. Councilman Edwards seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Intersection of Church Street and North Court Street

Mr. Stallings said at Council's September 9 work session, Council discussed the visibility issues at the corner of North Court Street and Church Street. He said after discussion, Council asked that the item be placed on the September 14, 2010 Council agenda for action. He said he recommends that Council adopt a motion that directs the Town Manager and Town Attorney to begin investigating all possible avenues to remedy the visibility problem at the corner of North Court Street and Church Street. He said this will include conversations with the land owner prior to any actions.

Councilman Scott said he would like to include in the motion when it is made the intersection of Lovers Lane and Windsor Blvd (Route 460).

Councilman Scott made a motion to direct and authorize the Town Manager and Town Attorney to begin investigating all possible avenues to remedy the visibility problem at the corner of North Court Street and Church Street and the intersection of Lovers Lane and Windsor Blvd (Route 460). Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Resolution in Support of a Train Station in Windsor

Mr. Stallings said enclosed in the Council packets is a resolution in support of a train station in the Town of Windsor. He said a similar resolution was adopted by the City of Suffolk. He said it is his intent to have the Mayor present the adopted and signed resolution to Mrs. Thelma Drake when she comes to meet with Town Council regarding the possibility of a train station in the Town of Windsor. He said Don Robertson with Isle of Wight County has expressed that once Council adopts a resolution, he will have a resolution drafted for the Isle of Wight Board of Supervisors consideration. Mr. Stallings said he would recommend that Council adopt this resolution, and that Mayor Richardson present the adopted and signed resolution to Mrs. Thelma Drake. Mayor Richardson asked Ms. Hewett to read the title of the resolution, and Ms. Hewett did.

Councilman Scott made a motion to adopt the resolution entitled: *A Resolution Supporting the Location of a Passenger Rail Stop Within the Town of Windsor, Virginia*. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Draft Agreement with the Creasons

Mr. Stallings said at the June 8 Town Council meeting, Council directed staff to draft an agreement with the Creasons for the easements and well closings they currently own along Old Suffolk Road and Tyler Drive. He said Council has agreed to a monetary compensation in the amount of \$15,000 to the Creasons in return for deeds to the easements and capping off the two existing wells in their water system. He said the Town would not be purchasing any of the water lines because they have no value to the Town.

Mr. Stallings said if Council finds this draft agreement to its liking, he would recommend that Council direct him and the Town Attorney to proceed with preparing the final draft for the Mayor's signature, and then forward the final agreement to the Creasons for their review and signatures.

Councilman Bryant asked if the Creasons were aware of what is being proposed to them in this agreement. Mr. Stallings said yes, the Creasons, former Vice Mayor Jones, the Town Attorney, and he had a meeting previously to come to an agreement on the issue. He said the Creasons are aware of what is in the agreement.

Vice Mayor Garris made a motion to have the Mayor sign, on behalf of the Town, the final agreement and forward the final agreement to the Creasons for their signature. Councilman Scott seconded, and the motion passed unanimously as recorded on the attached chart as motion #7.

Action List

Mr. Stallings said the action list for August is in the Council packet for Council's information. He said there is one item on the list that he would like to bring to Council's attention. He said it is the item regarding the new chairs for the Council Chamber. He said he has received some new quotes on chairs in an email earlier today and the quotes are competitive. He said he will have this item on the agenda for the October Council meeting for Council's consideration.

Calendar of Events

Mr. Stallings said the Calendar of Events is included in the Council packet for Council's information. He said he would like to remind Council of the upcoming VML Annual Conference held October 3rd through October 5th for those who are registered to attend.

Other

Mayor Richardson said Council needs to appoint a member to Planning Commission to serve the remainder of William Saunders term who has resigned

because he no longer lives in Windsor. She said at its last work session Council unanimously suggested that she call Mr. Glyn Willis, and she did so. She said Mr. Glyn Willis accepted the position.

Councilman Edwards made a motion to appoint Mr. Glyn Willis to Planning Commission to serve the remainder of William Saunders term. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Mayor Richardson said the term ends on June 30, 2011, and at that time Council will re-appoint or appoint an individual for the next term.

Mayor Richardson asked Mr. Stallings if a date had been set for the fall cleanup. Mr. Stallings said staff is working on this, but a date has not been received. He said we are checking to see if the weekend after or the weekend before Thanksgiving is available.

Town Attorney's Report

No report.

Mayor's Report

Mayor Richardson said the Town's October newsletter is being prepared at this time. She said if anyone has anything they would like to put in the newsletter, please let town staff know as soon as possible. Councilman Scott suggested announcing Mr. Glyn Willis' appointment to Planning Commission in the newsletter. He also suggested putting the sidewalk policy in the newsletter.

Mayor Richardson said the Board of Supervisor's action list for September 2, 2010 is in the town office for anyone wishing to review.

Mayor Richardson said she attended the annual Chamber dinner held at Smithfield Foods, and it was a nice event.

Economic Development Authority

Councilman Scott said the Economic Development Authority met on September 13, 2010. He said they are still working on the Town brochure. He said they also reviewed the bylaws and made minor changes. He said the Authority is still looking at various types of welcome signs for consideration. He said they also discussed the incentive programs that Ashland currently has. He asked Mr. Carney to brief Council on Ashland's incentive programs, and Mr. Carney did.

Other Reports

Councilman Scott said he has had several citizens ask him about the problems with the pavement at the six-way intersection. He said we received the VDOT report in the Council packets, which states what Council already knew that the road is deteriorating. He said Council needs to get someone working on the problem. Mayor Richardson said she is going to forward VDOT's engineering report to Thomas Wright. She said she is going to see if the County will start pushing for the repairs to the roadway because it is becoming a safety issue. Councilman Willis asked the Town Attorney if it was not VDOT's duty to act and fix the problem. Mr. Pretlow said yes, VDOT does have the duty to act to correct the problem when it is a safety issue. He said it is only a matter of time before someone loses control of a vehicle in that area of roadway.

Planning Commission

Mr. Carney said the August Planning and Zoning report shows eight zoning permits were issued and 15 notices of violation for inoperable vehicles and tall grass. He said Planning Commission had a very productive work session on the Land Use Ordinance. He said the Commission specifically worked on the various residential and business districts.

Mr. Carney said he has received a new rezoning request for the proposed condominium project on North Court Street from Windsor Development Corporation LLC. He said the process for the rezoning request would begin at the Commission's September meeting.

Mayor Richardson said the next Planning Commission meeting is scheduled for September 22, 2010 at 7:00 p.m.

Old or Unfinished Business

Councilman Edwards asked about the status of scheduling the meeting with the Postal Service and Council. Mr. Stallings said he has not heard anything further from Mr. Frye. He said he will continue to contact Mr. Frye to get an update on a meeting date. Mr. Pretlow said he spoke with Mr. Byrd with Congressman Forbes' office letting them know the difficulty we are having with setting up a meeting. He said someone from Congressman Forbes' office would contact the Postal Service to see if they can speed up the process.

New Business

None

Closed Session

Councilwoman Flemming made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 for personnel matters regarding Chief of Police position and A-3 for the purpose of discussing real estate matters regarding purchase of property within the Town of Windsor. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Vice Mayor Garris made a motion to go back into regular session. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Councilman Willis made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilwoman Flemming seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11.

Council discussed having a Saturday retreat to work on a plan for the Town. There was no date set for the retreat. Council also canceled the October 26, 2010 work session due to conflicting schedules. Council asked for a map of the Town to review before the retreat. Mr. Stallings said he would provide Council with a map.

It was unanimously agreed by Council, to have Mr. Stallings send a letter to the Postal Service requesting a meeting be scheduled with Council before October 29, 2010.

Councilman Willis made a motion to adjourn. Vice Mayor Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #12. The meeting adjourned at 9:50 p.m.

Carita J. Richardson, Mayor

Robin Hewett, CMC
Town Clerk

TOWN OF WINDSOR
RECORD OF
COUNCIL VOTES

Council Meeting Date Sept. 14, 2010

Motion #	Willis	Scott	Flemming	Edwards	Garris	Bryant	C. Richardson
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	Y	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
9	Y	Y	Y	Y	Y	Y	
10	Y	Y	Y	Y	Y	Y	
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Windsor Town Council
Sept. 14, 2010
Robin Hewett, CMC
Clerk / Treasurer